

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN RITCHIE, individually and d/b/a
VIOLENT FEMMES,

Plaintiff,

-v-

GORDON GANO, individually and d/b/a GORNO
MUSIC a/k/a GORNO MUSIC (ASCAP) a/k/a
GORNO MUSIC PUBLISHING,

Defendants.

No. 07-CIV-7269 (VM)

**MOTION FOR LEAVE TO FILE
PLAINTIFF'S MEMORANDUM IN
SUPPORT OF HIS EMERGENCY
MOTION TO DISQUALIFY
OPPOSING COUNSEL IN EXCESS
OF PAGE LIMIT**

TO THE HONORABLE JAMES C. FRANCIS:

Pursuant to Local Civil Rule 7.1, which gives the Court discretion over the need and format for memoranda of law in support of motions and oppositions thereto, Plaintiff Brian Ritchie, individually and d/b/a Violent Femmes ("Plaintiff"), by and through his undersigned attorneys, moves the Court for leave to file the Memorandum in Support of his Emergency Motion to Disqualify Opposing Counsel (the "Memorandum") in excess of the twenty-five (25) page limit set by Rule 2(C) of the Individual Practices of United States Magistrate Judge James C. Francis. In support thereof, Plaintiff respectfully shows the Court as follows:

1. Excluding exhibits, the Memorandum is twenty-eight (28) pages in length, which is three pages more than the twenty-five (25) page limit for memoranda of law in support of motions as set by Rule 2(C) of the Individual Practices of Judge Francis.

2. To adequately address the underlying facts and brief all of the fact-intensive legal tests and arguments needed to show the Court why opposing counsel should be directly and vicariously disqualified for successive and concurrent conflicts of interest, and for violation of

the witness-advocate rule, it was necessary for Plaintiff to exceed the Court's twenty-five (25) page limit by three pages, which includes the Table of Contents.

4. Plaintiff respectfully requests leave of the Court to file the Memorandum in excess of the page limit.

5. Opposing counsel has not objected to or consented to this motion.

WHEREFORE, Plaintiff respectfully requests leave of the Court to file the Memorandum in excess of the page limit, and for any other relief to which Plaintiff may be entitled.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Emilio B. Nicolas

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ATTORNEYS FOR BRIAN RITCHIE,
individually and d/b/a VIOLENT FEMMES

CERTIFICATE OF SERVICE

This is to certify that on this 20th day of June, 2008, a true and correct copy of the foregoing document was served by e-mail upon the following counsel of record:

Robert S. Meloni
Thomas P. McCaffrey
MELONI & McCAFFREY, P.C.
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ATTORNEYS FOR DEFENDANT GORDON
GANO, individually and d/b/a GORNO MUSIC
a/k/a GORNO MUSIC (ASCAP) a/k/a GORNO
MUSIC PUBLISHING

:/s/ Emilio B. Nicolas

Emilio B. Nicolas